

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

LUIS ALEJANDRO GARZA

VS.

THE UNITED STATES OF
AMERICA

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§
§
§
§

CIVIL ACTION NO. B-02-154
FEDERAL TORT CLAIMS ACT

EXHIBIT "1"

Barry R. Benton284 Ebony Avenue
Brownsville, Texas 78520-8014

Attorney at Law

(956) 546-9900
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May 17, 2006

Ms. Nancy Masso
Assistant U.S. Attorney
600 E. Harrison Street # 201
Brownsville, Texas 78520

Re: Civil Action No. CA B-02-154
Luis Alejandro Garza vs. United States of America

Dear Ms. Masso:

The following inmate witnesses were identified from the documentation you provided. I would like to interview these witnesses and determine the extent of their knowledge. Please determine which of these inmates are still in federal custody, their location and if released whether they are still under supervised release and by which probation office:

<u>Prisoner Number</u>	<u>Inmate Name</u>
1. 39405-079 or 93405-079	Cabrera
2. 76988-079	Coleman
3. 10471-035	Damione Brock
4. 83514-080	Sergio Diaz Alvarez
5. 46222-079	Frazier
6. 09177-035	Hodges
7. 86842-079	P. Guzman
8. 23087-077	L. D. Richardson

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9.	03996-025	G. Haynes
10.	29501-077	Hammons
11.	76893-079	Corey Williams
12.	02020-081	Robert Alford
13.	05760-080	Gomez
14.	89539-079	Jose Jaime
15.	84122-079	Manuel Montemayor
16.	85652-079	Alfonso Martinez
17.	71774-079	Jesus Martinez Orosco
18.	25117-177	Felipe Castro Ontiveros
19.	06100-112	Danny Schertz
20.	39571-008	Romero
21.	76844-079	Javier Tijerina

I would like to depose the following governmental employees: W. Martin, J. Hummee, Debra Romero, and J. P. Shipman non-stenographically (by videotape), after I have had an opportunity to inspect the recreational yard at the Three Rivers facility. This brings us to the next issue, either the government may pay for the cost

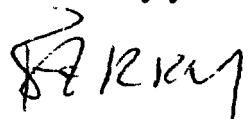
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of the stenographer or file a motion to prevent the deposition be taken non-stenographically. Unless the court orders differently, I am entitled to take these witnesses' deposition by videotape. See rule 30(b). I would like to visit the recreation yard next week, preferably during the afternoon of Friday, May 26. Please advise whether this is possible. I will take a camera, but of course, I will follow any instructions as to when and what I may shoot. I am preparing an amended motion to compel and request for in-camera inspection. It is my intention to add that the court compel answers to interrogatories No's. 1, 3, 5, 6, 9, and 10 and request for production no. 7. Please review the government's answers and responses to these questions to see if it is willing to amend or supplement its answer without court intervention

Also enclosed are my Second Set of Interrogatories and Requests for Production

Please give me a call. If you are contesting my right to take a non-stenographic deposition, please advise whether you are willing to file a motion objecting without me having to serve notices first.

Cordially yours,



BARRY R. BENTON

Received by:



16/17 May 06

Date:

AT&T Yahoo! Mail - barry57@sbcglobal.net

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Date: Wed, 14 Jun 2006 15:23:54 -0700 (PDT)
From: "Barry Benton" <barry57@sbcglobal.net>
Subject: Luis Garza
To: Nancy.Masso@usdoj.gov

Nancy,

I had a hard time printing the inmate information you sent me, but I seemed to get the bulk of it. I do not have the info. on Danny Schertz (06100-112) or L.D. Richardson (23087-077). Please provide it.

I still do not have a date to visit/photograph the rec. yard at Three Rivers. Could you get me a date on a Friday, preferable in the afternoon? When there, I'd like to interview the two witnesses still there, Frasier and Guzman.

Also, for the inmates still under supervised release, Tijerina, Coleman, Ontiveros-Castro and Brock, could you provide me with their address and phone number. You know they have to provide that to the government.

As to the witnesses in other prisons, Haynes and Guzman, Texarkana; Hammons, Beaumont; Montemayor, Yazzo City; Martinez, Otisville;and, Cabrera-Piris, Oklahoma City, could you give me the exact name and address of the facility so that I may write them to learn what they know?

The court did not rule on my in camera inspection request or on the issues of the photographs or the isolated camera depictions of the rec. yard and weight-lifting area. I made the request for the photos back in April of 2004. The prosecutor couldn't have destroyed the file at that time. My plan is to wait and see your responses to my last paper discovery and then file a motion.

Please write or call me (546-9900) about the issues and requests.

Cordially yours,
Barry R. Benton